

Silver Spring Urban District Advisory Committee
Meeting Minutes
January 15, 2009

Members Present: Jon Lourie, Bob Middleton, Nancy Schwiesow, Carmen Camacho, Mary Pat Spon, Jennifer Nettles, Neal Blake and Kay Weston

Members Absent: Ernest Bland and Robert Zeender

Guests: Lt. Liquorie, Barbara Ditzler, John Marcolin, Anthony Pins, John Carter, Jennifer Desco, Jurz Siegenthaler and Linda Siegenthaler

Staff: Gary Stith, Vicki Lockerman, Susan Hoffmann, and Yvette Freeman

Welcome/Introduction: Jon Lourie called the meeting to order at 3:35 p.m.

Approval of Minutes: The Silver Spring Urban District Advisory Committee approved the December 2008 minutes.

Chairs Report

Jon Lourie reported that:

- At the last meeting we discussed how the Committee is briefed on budgetary information and Jennifer, Gary, Neal and I met and we need to discuss this.
- The Committee has an outstanding letter in regards to Juvenile Crime.
- Carmen Camacho and I will be meeting with the County Executive on behalf of this Committee on budget priorities February 3.

Police Update

Lt. Liquorie reported that:

- After the holidays there was a spike in street and commercial robberies. The commercial robberies were along the 16th Street corridor specifically in Spring Center, the common trend was that they are Asian owned businesses and Prince Georges, Takoma Park and District Columbia have a similar trend. We are working with other public jurisdictions to see if they have made an arrest because that trend has dropped off the chart. We hope this is a result of an arrest in another jurisdiction and that we can link these people with either property or physical ID.
- We are working on the Inauguration. Montgomery County was applauded by the State Department Transportation and Governor's Office for the extensive planning done so far. We are coordinating with the Presidential Inauguration Committee, the District Columbia DOT and Police but they are stretched because of security concerns. We are receiving a number of resources for the planning from the State. Virginia is closing their bridges to personal vehicles and the first egress off the American Legion Bridge is Montgomery County. We will have an additional 52 State Troopers to help during the inauguration. The State Department of Transportation is devoting tow trucks, vehicles to assist with breakdown lanes and heavy duty tow truck for tour buses. Concentration of Police Departments is in and around all the Metro's and we have a number of contingency plans, there are security concerns about Metro and the volume of people.
- There have been no problems at the Caribbean Restaurant and Lounge since their license was suspended for a year. The owner tried to get an exception through Permitting

Service to get an outside catering company to come in and use their liquor license, it was explained to him that this falls into the parameter of the suspension.

Jon Lourie commented that the Committee voted to send a letter regarding issues in apprehending juveniles that are committing crimes in the CBD.

Gary Stith responded that Lt. Carter of Family Crimes explained that the issue happens at night when a juvenile is arrested and they don't have regular staff working to process them. The Department of Juvenile Justice hired a contractor to deal with this. They have a matrix with different criteria set-up and they add up the points which determine what they do with them. The problem was the contractor was not checking other information and the matrix was not working and subsequently most of the juveniles were released back to their parents. Some have committed 5 to 7 crimes and this is frustrating for the Police because they made the effort to arrest youth causing problems. The issue has been discussed with the Department of Juvenile Justice, DJJ and they made changes and encourage us to send a letter. The tone of the letter needs to change to say we understand changes are being made and we encourage you to work closely with the Police in making these efforts work better.

Jon Lourie asked when someone is arrested who does the contact.

Lt. Liqueur responded relatively minor crime like shoplifting is a misdemeanor and the Department Juvenile Justice is not notified. We contact DJJ for crimes of violence or we can demonstrate by their record they have been arrested numerous times. The Officer makes the arrest, calls our record section, and states that he has arrested a specific juvenile and they search juvenile files and tell us if they have been arrested before. The Officer makes inquiry into how many times the person has been arrested and what types of crimes they have committed based on this information they may contact DJJ. Other things are mandated by State law regarding severe crimes. Lt. Carter operates Family Crimes Division for the County and has compiled case studies showing repeatedly juveniles getting arrested with an extensive record. We track every time DJJ or their contractor denies us and not incarcerating the person, we are putting it back on them and holding them to task. Chief Manger made this a priority throughout the Department and County. We are working with DJJ and have demonstrated to some of our Legislators in Annapolis how the system is not working and see if they can intervene with some type of legislation.

Bob Middleton asked what the Police status was with the Legislators.

Lt. Liqueur responded the Legislative Session just started and we have contacted a few Legislators and started planting a seed.

Action: Gary Stith to contact Lt. Carter, Family Crimes and invite him to February Committee meeting to better understand and focus on the juvenile issue.

Farmers Market Update

Gary Stith announced that Janna Howley, Farmers Market had a conflict so the presentation is postponed until the February meeting. A copy of their report has been distributed. Their sales were up 50% this year and they have plans for expanding the operation of the market.

Urban District and County Budget Discussion

Gary Stith reported that:

- In Section 3 of the packet pages 15 and 16 are the budget cuts we submitted to the Office Management and Budget. The process is OMB makes recommendation to the County

Executive and I will discuss my concerns about cutting this kind of money out of our program with the County Executive.

- The positions eliminated are vacant positions and we are not laying personnel off. We have had difficulty filling the Public Service Worker positions due to the salaries we can offer. In the past when we had vacancies we used the funds to pay overtime but losing these positions means losing the personnel funds and there will be no funds to pay overtime.
- Other cuts are flower rotations, elimination of banners and decoration everywhere. The concern is that it may not seem critical but frankly downtown will not be as attractive and we are hoping these items won't be cut. The biggest argument in not cutting is that none of our money comes from the General Fund. The money generated comes from the Urban District tax, Optional Method Development fees, the Parking Lot District and the money is for downtown use.
- We took 10% out of the Marketing and Special Events budget which includes eliminating one float and the String Band in the Thanksgiving Parade, two Summer Concerts and eliminating the Jumbotron, three floats and reducing the quality of talent for the Jazz Festival. Reducing the talent can have an impact on the number of people attending because with bigger name talent you have a better draw.
- This is the 10% we are proposing to cut and trying not to lose any more positions it becoming difficult because you cut so much out until you won't have anything to operate with and people will notice. We may even end-up reducing our hours of operation. Downtown Silver Spring is still fragile, if things are not attractive, people don't feel safe, streets and sidewalks are not maintained it will impact people coming here to visit, live, and open a business and a severe economic impact on downtown Silver Spring. The request for budget cuts came in two parts a 3% cut was first they came back and asked for another 7% cut. Rates went up for the PLD last year but the occupancy rate in downtown office space went down and fewer people are parking. I don't know if there is a decline in PLD revenue but it would not be difficult to assume that it is down.
- I have spoken to Joe Beach, OMB Director, and asked why they are requesting us to cut our budget when the funds don't come from the general fund. His response was that the Urban District tax rate could be reduced and this would allow them to increase the general fund tax rate but it would not be much if you think of what the tax base is in downtown Silver Spring compared to the entire County. Bethesda source of funding is the same as Silver Spring and their budget is slightly higher than ours. Our budget is approximately \$2.7 million. Bethesda PLD is more lucrative although our Urban District is larger and has more parking spaces. HHS, Police and Fire and Rescue were asked to cut significantly less than other Departments.

Concerns and Discussion of Urban District Budget Cuts

- The Committee needs to oppose the cuts because once downtown does not look as nice or feel as safe people will go someplace else and this is very important to downtown Silver Spring.
- If personnel positions are cut from the Urban District budget, businesses will have to supplement and hire their own security and maintenance personnel. Making these cut bottom line will impact businesses because the property owner will have to raise rent to their merchants and no businesses will want to stay or lease in downtown Silver Spring because the rent is too high.
- The amount of money invested in Silver Spring is the key and it does not look like that much on paper but the visual and the millions invested in private/public partnership, are we going back to what Silver Spring looked like five years ago.

- All of the things mentioned are significant but the Jumbotron is a big plus for the Jazz Festival and perhaps you could reduce talent but all the things discussed in the budget cuts will have an impact.

Susan Hoffmann responded the cut in talent is a slash but the Jumbotron is an expensive single item. I will compromise the talent to a certain level but won't go beyond that because it would be pointless to have a Jazz Festival

Kay Weston asked if the Urban District positions could be upgraded and the pay made higher to attract future employees.

Gary Stith responded the Urban District positions were upgraded three years ago. The positions used to be through the Conservation Corp program to help at-risk youth get job experience but the quality of people we got under the program was not good. The positions were upgraded which impacted the budget because we needed more personnel money.

Jon Lourie commented that within the operating budget the Civic Building is coming on-line and there is to be programming efforts for the building. This Committee supported the proposal for the Silver Spring Town Center, Inc., (SSTCI) to program the Civic Building and Veteran Plaza and one of the problem is this is a new funding line within the Regional Center budget

Gary Stith responded that he submitted a request for funding for operating. This is new money because there is not enough money in the Regional Center budget to operate the Civic Building.

Carmen Camacho asked what happens if, due to monetary constraints there is no money or not enough. I understand why SSTCI was created and the concept but why was the Civic Building programming never part of the Regional Center. This is like putting money into another group when we have something that exist and could handle it.

Jon Lourie responded SSTCI was created out of a long process, a working group was established and went through the various models and the Regional Service Center programming the building was one of the models. One advantage of a non-profit providing programming is their ability to raise money which has not been done because the Civic Building is not open yet.

Carmen Camacho asked do the people involved in SSTCI have any idea what it is like to program a Civic Center, it is one thing to create a non-profit but you need people on the non-profit that know what they are doing when it comes to programming.

Jon Lourie responded the SSTCI is a Board and an Executive Director would be hired with the appropriate qualifications to manage the programming effort.

Neal Blake stated if we are making all these cuts should we support allocating money to program the Civic Building. The Civic Building will be opened to everybody and it will be important to bring people into Silver Spring and have it attractive rather than worrying about programming events at the Civic Building that is opened to the public.

Carmen Camacho agreed with Neal and stated perhaps hiring another person at the Regional Center to deal with this effort would be less expensive verses creating a whole entity that has to be finance. I am talking about cost effectiveness and the economic reality.

Jon Lourie stated the purpose of programming the Civic Building is so it won't be like the Amory. This is a resource to the community, community members, organizations and civic groups that pay rental fees for events and meetings in the building. The Civic Building was envisioned as something much more enriched to serve the residential and business community's creating vitality for Silver Spring. As far as cost effectiveness I don't know if it would be much difference between the two scenarios but it is something the Committee should look at and discuss.

Mary Pat Spon stated we should take a look at the pros and cons between SSTCI and the Regional Services Center doing the programming.

Jon Lourie stated the SSTCI should be invited to give a presentation of their business plan which would allow the Committee to look at the advantages and disadvantages of each model. The Civic Building has been delayed in its design and construction and I understand the financial aspect but there are members of businesses and residential involved in this effort beside the fact the Committee has supported the SSTCI in the past and wrote a letter to the County Executive.

Jon Lourie commented to Committee members that last years FY09 budget priorities are on page 18 for us to discuss and agreed upon in order for Carmen and I to give the Silver Spring Urban District Advisory Committee presentation for FY10 Operating Budget Priorities to the County Executive on February 3, 2009

After discussion of the FY09 budget priorities on page 18 of the January packet. The Silver Spring Urban District Advisory Committee agreed on the priorities to be included in the testimony to the County Executive on their FY10 Operating Budget priorities on February 3, 2009.

Library Pedestrian Bridge vs. mid block crossing

Gary Stith stated that the HHS Committee agreed with the County Executive recommendation for the site plan layout and the library will be sited on the Wayne side of the development parcel and residential will be at the bottom of the site. The Planning Board made their recommendation by a 4 to 1 vote that they are supporting the purple line LRT on the master plan alignment and the alternate route that is on the surface. The recommendation they are making to Council is the alignment that would go from the library with a station at the library.

When we went to HHS Committee and they agreed with County Executive recommendation and part of his recommendation was that they not build any parking for library on the library site and parking be provided by utilizing the Wayne Avenue garage and to facilitate people's ease of access particularly since this library will have a collection for disabled and that a high portion of library users are mothers with young children and the feeling was if it is not convenient for parking for those people it would impact the utilization of the library. The Library Department recommended building a bridge from the garage over to the new library. Councilmember Ervin wanted an evaluation made of a mid-block crossing from the Wayne Avenue garage to the library as another option and Department of Transportation is doing the evaluation. A presentation of the mid-block pedestrian alternatives at the new Silver Spring Library connecting the new library to the Wayne Avenue Garage is scheduled and opened to the public on February 5, 7:00 p.m. at the Silver Spring Library, 8901 Colesville Road.

Jon Lourie stated that the County Executive staff presented to HHS Committee the library proposal as was concluded from the design charette and County Council inquired as to whether you could do a mid-block crossing instead of the bridge so the Planning staff is doing this at the request of County Council

Gary Stith responded Council asked Department Transportation to evaluate mid-block crossing and Park and Planning staff are also looking at it.

Park Planning Staff

Anthony Pins, Park and Planning stated that:

- The pictures distributed show three alternatives, an overhead, mid-block and the third has the purple line in it and how it will work.
- The first option is the existing roadway and the photo was taken from the edge of the median that is in front of the low rise businesses almost at Wayne and George. The first option was a mid-block connection located in between the elevator bank, the Wayne Street Garage and Wayne/Fenton intersection. This option could probably be put in place as part of the intersection reconstruction that is going to take place with the purple line and is a compromise from the second option which is two separate crosswalks one more or less coming diagonally between the existing corners at the Fenton/Wayne intersection and a second one that comes across from the elevator banks to what I believe would be the arts entrance to the library facility. The third is the elevated pedestrian bridge which would be approximately 40 feet in the air from the elevator bank to the library structure and the bridge would be most like the one that connects City Place to the Town Square Garage with external columns for structural redundancy
- Gary Stith stated there will likely be a book drop at the library but no parking.
- Nancy Schwiesow asked if it has been considered to have both the bridge and a mid-block crossing.
- Jon Lourie stated the entire intersection needs to be redesigned and these are just pretty pictures and don't know how relevant is because DOT has to do a detailed evaluation in terms of traffic flow, issue with getting in and out of the garage, and there are issues with that intersection because it is failing right now and will get worse with the purple line and these are all significant issues. The pedestrian crossing's has to be greatly enhanced whether there is a bridge or not. Chances are if you have the bridge you would have enhanced pedestrian crossing anyway.
- Nancy Schwiesow stated that hopefully it will be utilized a lot and you may need both and the garage is a mess.
- Jon Lourie stated it is difficult to turn left from the garage onto Wayne. I would not be surprised if you did not have a light there that was synchronized with the light at the corner of Fenton and Wayne and it could be that entire area becomes some sort of pedestrian crossing. The question is bridge vs. no bridge.
- Gary Stith stated that is what will be presented to HHS Committee on February 12.

Bob Middleton made a motioned that should the discussion take place of what we have seen thus far it would be preferable to have a pedestrian bridge and a mid-block crossing. (2nd Nettles)

Motion: (Middleton, Nettles) the Silver Spring Urban District agreed to send a letter in support of the bridge and a mid-block crossing that provides pedestrian safety and that the intersection needs to be evaluated to provide a safe pedestrian environment (*in favor 6 with 2 abstentions*).

John Marcolin from Park and Planning stated City Place wants to replace Japanese Zelkova trees on Colesville Road with Honey Locust trees and we are in support of this replacement and oppose using the Zelkova trees in the future because they have a very dense fork and canopy at the base and retailers don't like them blocking their signs and establishment. We wanted this Committee's feedback because we are updating streetscape standard for Silver Spring. Honey Locust tree are planted on Colesville now and when Live Nation comes we are recommending them. We are recommending 3" to 4" caliber be planted and the Urban District staff would maintain the trees.

Yvette Freeman, Manager, Urban District stated that she is familiar with the Honey Locust and it is a very airy tree, provides a nice canopy but it is somewhat prone to disease and aphids are common and spreads quickly. Another thing is the narrow leaf and cleaning them when they fall and they will if the tree is diseased and change color. The Honey Locust trees would be a great recommendation in the future but I feel strongly that healthy trees should not be removed. Another advantage of having a Honey Locust in an urban environment is it is a slow growing tree and the tree pits in an urban environment are usually much smaller so the tree does not become root bound as quickly as other trees. Vandalism is something else to consider when putting in new tree.

Bob Middleton stated whatever the recommendation is if it will bring more people into City Place I am in favor.

Jon Lourie stated there was a design and decisions were made when the Downtown Silver Spring project was approved and were involved in whatever tree was planted so it is Park and Planning position that whenever the other side of the street is developed you are supporting the continuation of the Honey Locust trees.

The position of the Silver Spring Urban District Committee is that City Place not replace the tree and if the trees were to die you would then be consistent when you get to Live Nation so it seems Park and Planning has a direction.

Marketing and Special Events

Susan Hoffman reported that:

- A gift bag for the Silver Spring Inaugural promotion and campaign and we had nineteen businesses in downtown Silver Spring participated. These bags will be distributed to eight area hotels and different areas. Our partners included Downtown Silver Spring, Silver Spring Penguin, Silver Spring Chamber of Commerce and Buy Local Group to stuff 2,875 bags in less than two days. Special thanks to Jennifer Nettles and her staff for providing the vast majority of volunteers!

Urban District

Yvette Freeman reported that:

- She had been working on budget cuts and preparing for the Inauguration. Traffic will be crowded throughout Montgomery County most and we have been concerned about the impacts. Attended meeting for the past few weeks and Montgomery County has done a commendable job of being prepared for all of the possibilities. As it relates to Silver Spring we have the concentration of hotels, calls were made to get a sense of what kind of numbers we might be dealing with, the majority of the hotels are booked and only two hotels in the area have a few rooms left. The main intent for the calls was so we could do our staffing around when most visitors are coming in on Saturday and will leave on

Wednesday and Thursday. We will have Urban District staffing the entire time. Monday is a holiday and I will be working with the crews. On Inauguration Day staff is starting work at 5:00 a.m., extra staff coming in with different responsibilities because we may need to support Police with traffic depending on how many buses, charters come into the District. They are going to try and route buses on Connecticut into DC. Working with PLD and they will monitor garages. People are expected to pay \$4.00 dollars to park in metro garages. One concern when discussing parking buses is the pedestrian traffic and merchant being overwhelmed with non-patron needing to use restrooms but fortunately Recreation Department is providing 8 or 9 portable toilets which will be located at the jug-handle.

Director Report

Gary Stith reported that:

- There is a Budget Forum this evening with the County Executive at Long Branch Community Center, at 7:00 p.m.

New Business

Jon Lourie reported that:

- Jennifer, Gary and I met last week to discuss how the Committee is briefed about budgetary information throughout the year in addition to the yearly operating budget review. Neal and Carmen were involved in the process and asked Gary to provide a quarterly variance report where he would look at the original budget and any variances to the budget that might occurring at that point. Quarterly Variance Report, Quarterly Report on fundraising efforts of Celebrate Silver Spring since they impact the budget and money available. This is just a matter of sharing information and not to make your job more difficult. We don't want to impact how you make decisions. In term of Committee monthly meetings if there are pending or recent major expenditures we would like to be updated.
- Carmen Camacho stated that Celebrate Silver Spring is a private non-profit and has nothing to do with their budget and we have our own Board and don't need to report this to the Committee.
- Jon Lourie responded that he thought Celebrate Silver Spring was created and was a means to raising private money to augment the operations of the Urban District.
- Carmen Camacho remarked that Celebrate Silver Spring is a private non-profit entity and you are welcome to attend a Board meeting and see the financial statements when we do it once a year. Many of the merchant give money in order to help with things like Jazz Festival and the reason they provide the money is because of the mass of people coming to the event.
- Jon Lourie stated he did not understand what the issue is in terms of the whole reason private non-profit is because County can not raise money and does not have the vehicle to take donations from whatever private business wants to contribute to the Thanksgiving Parade or Jazz Festival. I know you are using Celebrate Silver Spring to fund the website. So part of those monies is a part of what makes things happen in what you do regardless of whether it is public or private.
In terms of the Committee and monthly updates as applicable any unexpected cost and brief us in regards to any major contracts or anything that might be happening in a timely manner. The last thing is an update of the budget and expenditures for major events such as what the budget is for the concert series and actual expenditures were or the Jazz Festival etc.

Action

Gary Stith agreed to provide a Quarterly Report with dollars and cent and a monthly summary if anything big is going on.

Gary Stith stated that the Regional Center and Urban District don't do a significant fundraising effort although I wish we did because we need more money and County Employees are not suppose to solicit funds and we make it clear that there is this opportunity if somebody approaches us to give money and the benefit to them is their exposure at our event and our marketing materials carry their logo and indicate that they are sponsors. We have a Board for the non-profit and it was created originally because PEPCO said they can not legally give the County money.

Jon Lourie stated basically what is being said is that Celebrate Silver Spring is contracting for part of the Jazz Festival that are not going through the Urban District and the monies are kept completely separate. How much Celebrate Silver Spring raises does impact what can and can not be done?

Gary Stith responded that we use it strategically for expenditures that are more complicated due to County procurement requirements like Elizabeth Gallerursi is under contract with us and that money comes from our budget and helps us manage these large events. She pays volunteers too help with the events and I think they receive \$100.00 and food and the checks for 20 people is a pain to go through our system. Anything over \$5,000.00 dollars that we don't do at procurement with the bidding process for which we do on the stage which is a large expenditures we go through the bid process.

Bob Middleton suggested to the Committee that the Celebrate Silver Spring discussion be tabled until another time. He is excited about moving in this direction but wanted to make sure everything is on track and that the Committee is not over stepping their bounds. Our function is to focus on the Urban District and that makes it very different and distinct from the other Board. To the extent we can be edifying, kept informed and having good tools for helping you do your job we need to discuss that and get those lines clearly drawn and moved that we table the discussion.

Committee members agreed to table the discussion.

Meeting adjourned 6:00 p.m.

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